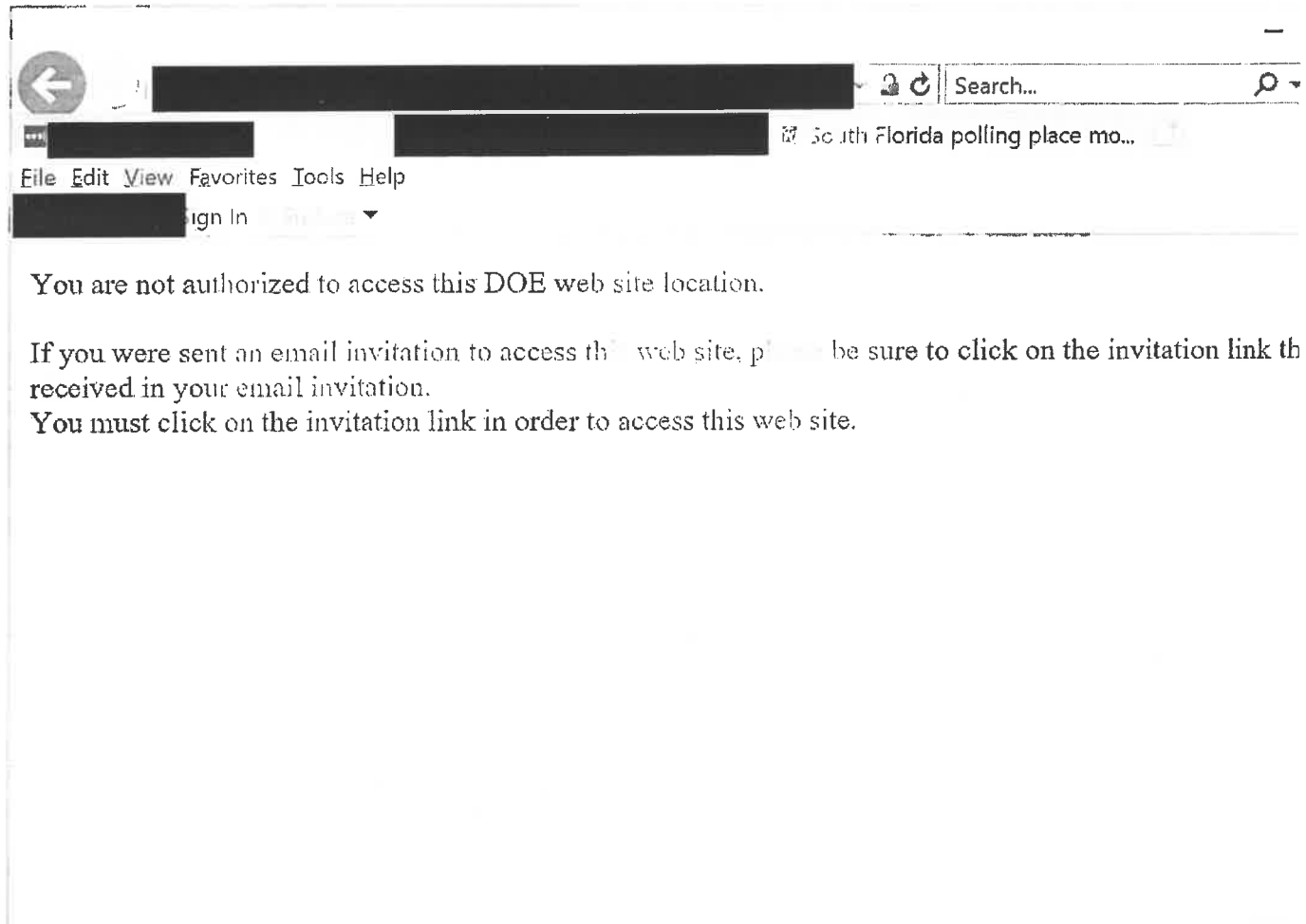


Swain, Margaret A.

Sent: Tuesday, November 6, 2018 8:15 PM
To: Fountain, Jennifer A.
Subject: access to E-Night SOE Portal??

Jennifer, I'm trying to log into the SOE portal to view Broward's uploads. I can't get it. I tried to get in and was directed to Microsoft Live.com website, where it wouldn't take the password I have on file



Cathy Cook:

Systems Project Consultant
Florida Division of Elections
Bureau of Voting Systems Certification
Catherine.Cook@DOS.MyFlorida.com

Direct: 850.245.6242 | Bureau Main: 850.245.6220

Florida has a very broad public records law (Chap. 119, F.S.). Written communications to or from state officials regarding state business constitute public records and are available to the public and media on request unless the information is subject to a statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure. Any materials or information forwarded to the Department are also subject to public records law; if any information you submit constitutes a trade secret, is confidential, or exempt from public records disclosure, it is your obligation to adequately mark it as such prior to submitting it to the Department. If you have any questions, please contact the Department before submitting materials or responding to this email.

Swain, Margaret A.

From: Mosca, Alexander N.
Sent: Monday, November 5, 2018 11:21 AM
To: Cook, Catherine E.
Subject: FW: Broward Contact info
Attachments: DOC110518-11052018111823.pdf

Cathy,

Here's the contact info sheet for Broward.

-----Original Message-----

From: DOS Toshiba [mailto:toshiba4540@dos.state.fl.us]
Sent: Monday, November 5, 2018 2:18 PM
To: Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>
Subject: Send data from MFP12192636 11/05/2018 11:18

EMAIL RECEIVED FROM EXTERNAL SOURCE

Scanned from MFP12192636
Date:11/05/2018 11:18
Pages:1
Resolution:200x200 DPI

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Survey<<http://survey.dos.state.fl.us/index.aspx?email=Alexander.Mosca@DOS.MyFlorida.com>>.

COOP Contact Information Form

(Information is gathered as part of emergency response for continuity of operations planning as authorized by Section 252.365, Fla. Stat., and not otherwise subject to public disclosure.)

Election General Election Date of Election 11/06/18

Broward County

Supervisor of Elections (SOE):

Name	Office phone	Cell phone

Election Day SOE staff contacts (person who will be available to accept Division of Elections' (DOE) call):

Name	Office Phone	Cell Phone

Election Night Reporting SOE staff contact (person who will be available to accept Division of Elections' (DOE) call):

Name	Office Phone	Cell Phone

Canvassing Board Members and Alternates:

Name	Title	Office phone	Cell phone
Alt:			
Alt:			

Attorney for Supervisor: ☐ County Attorney or ☒ Private Attorney

Name	Office Phone	Cell Phone

County Manager:

Name	Office Phone	Cell Phone

SOE's Hotline/Phone Bank Telephone Number:

Florida Department of State ("DOS") Election Day staff contact (name, phone, and email):

Florida Department of State Election Night ("Enight") Staff Contact (name, phone and email):

Swain, Margaret A.

From: Matthews, Maria I.
Sent: Saturday, November 10, 2018 7:57 AM
To: Wood, Zane D.
Cc: Hastings, Linda M.; Cook, Catherine E.
Subject: BRO/1st unofficials

Please let me know when CCB for Broward meets this AM and when they expect to upload 1st unofficial returns.

Also can you please confirm where on the BRO website where and if BRO has noticed a public conditional notice for recount for the statewide races?

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Thursday, November 8, 2018 7:07 AM
To: Cook, Catherine E.; Wood, Zane D.
Cc: Hastings, Linda M.
Subject: Broward County/ VBM

FYI as to what is being reported to us regarding their going through vote-by-mail ballots in Broward.

By the way, can you tell me, these ballots that they are going through when were they received? Day before election day or on election day?

From: Brown, Toshia
Sent: Thursday, November 8, 2018 6:38 AM
To: Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>
Cc: Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Subject: Re: VBM

Thank you Amber!

Get [Outlook for iOS](#)

From: Marconnet, Amber
Sent: Thursday, November 8, 2018 6:36:04 AM
To: Kennedy, Jennifer L.
Cc: Underwood, Wes H.; Matthews, Maria I.; Brown, Toshia
Subject: Fwd: VBM

Update from BRO below.

Thanks,

Amber

Sent from my iPhone

Begin forwarded message:

From: Joseph D'Alessandro <jdalessandro@browardsoe.org>
Date: November 8, 2018 at 1:38:24 AM EST
To: "Marconnet, Amber" <Amber.Marconnet@DOS.MyFlorida.com>
Subject: RE: VBM

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hello again, canvassing board has instructed us to call it a night. I just uploaded what we have run for today. Website is updated as well. We are coming back at 7am to finish what we have.

Joseph M D'Alessandro, MFCEP
Director of Election Planning and Development.
Broward County Supervisor of Elections Office
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301
954-712-1911
www.browardsoe.org

2018 Election Dates

November 6th - General Election

Join us on:



WITH CONFIDENCE

Florida Statute 668.6076: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone at 954-357-7050 or in writing to 115 S. Andrews Ave, Room 102, Ft. Lauderdale, FL 33301.

From: Marconnet, Amber [<mailto:Amber.Marconnet@DOS.MyFlorida.com>]
Sent: Thursday, November 08, 2018 12:27 AM
To: Joseph D'Alessandro
Subject: RE: VBM

Hi Joe,

I just tried calling to check in but was unable to reach you. I didn't want to be a bother but just wanted to check on the status of your VBM and EV. Your last upload was around 7 PM. I know you indicated finishing tonight around midnight so I was hoping to catch you for an update.

Can you provide a status as soon as you have a chance?

Thanks so much! Hope you get some rest soon!

Amber Marconnet

Sr. Management Analyst Supervisor
Division of Elections, Bureau of Voter Registration Services
R.A. Gray Building, Room 316
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6224

From: Marconnet, Amber
Sent: Wednesday, November 7, 2018 5:01 PM

To: 'jdalessandro@Browardsoe.org' <jdalessandro@Browardsoe.org>

Subject: VBM

Hi Joe,

I left a message on your voicemail but wanted to send you an email as well.

I was given the following info for BRO:

About 9,000 ballots that need to be opened.

Are still processing those that are already opened for the duration of the evening.

No estimated completion time given but will finish today.

Can you give me a call once your VBM's are complete?

I can be reached at (850) 245-6224 or (850) 445-7627.

Thank you,

Amber Marconnet

Sr. Management Analyst Supervisor

Division of Elections, Bureau of Voter Registration Services

R.A. Gray Building, Room 316

500 S. Bronough Street

Tallahassee, Florida 32399

850.245.6224

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 10:52 AM
To: Cathy Bridges; Wood, Zane D.
Cc: Hastings, Linda M.
Subject: Broward County/Teacher reports finding ballot box left behind at Broward polling place

Just an FYI.

From: Revell, Sarah W.
Sent: Friday, November 9, 2018 8:54 AM
To: Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Stowers, Austin N. <Austin.Stowers@dos.myflorida.com>; McVay, Brad R. <Brad.McVay@dos.myflorida.com>; Fitz-Patrick, Christie (Burrus) <Christie.Fitz-Patrick@dos.myflorida.com>; Ard, Mark <Mark.Ard@DOS.MyFlorida.com>
Subject: SS: Teacher reports finding ballot box left behind at Broward polling place

Teacher reports finding ballot box left behind at Broward polling place

Sun Sentinel
Susannah Bryan
November 8, 2018

Teacher Lakeisha Sorey says she discovered a locked ballot box at Sunshine Elementary School in Miramar.

Sorey said she found the box about 3 p.m. Thursday, in the same area where voting had been held, and knew not to meddle with it.

"I didn't want to touch it," Sorey said.

Her discovery came as several statewide races hang in the balance, with elections officials in Broward and Palm Beach counties still counting votes on Thursday.

Seeking help, Sorey phoned her friend, State Rep. Shevrin Jones, D-West Park, a close confidante of gubernatorial candidate Andrew Gillum.

Jones called the Broward Supervisor of Elections Office, and a woman there told him the box was probably full of blank ballots, he said. If that's the case, Jones is questioning why the box is locked.

Jones wasn't sure whether anyone from the Elections Office was planning to head to the school Thursday night to retrieve the box. He's worried the box might contain ballots that are not being counted, Jones said.

"I was shocked about it," he said. "I don't think you'd lock up extra ballot paper. I'm hoping someone will at least go verify and make sure there are no ballots inside the box."

A spokesman from the elections office could not be reached for comment Thursday.

Sorey took a photo of the box, a large gray bin with a slot on top and a paper affixed to its side that reads, "Provisional Ballot Box."

Provisional ballots are those where the voter's eligibility is in question because, for example, the person lacked the proper identification at the polls. Such voters were given until 5 p.m. Thursday to clear up the issue so the ballot can be counted. In an extremely close race, provisional ballots could make a difference in who wins.

State law requires a recount if the race is closer than 0.5 percent, and it appears a recount may be required for several races, including that of governor, U.S. Senate and state agriculture commissioner.

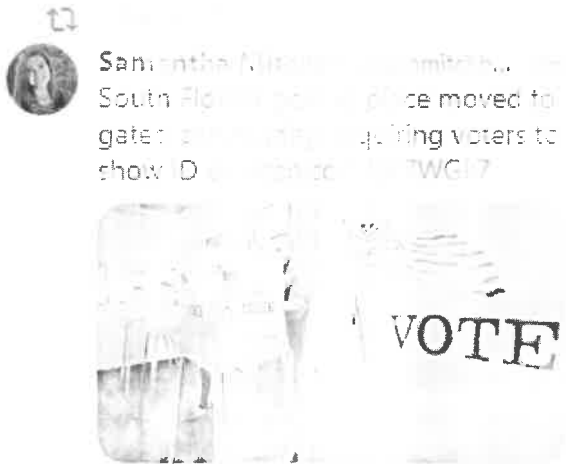
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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Tuesday, November 6, 2018 5:05 PM
To: Mosca, Alexander N.; Cook, Catherine E.
Subject: Broward County/Election Day Social Media Monitoring

Do we have update of how they resolved this yet?

<https://www.wtsp.com/article/news/politics/elections/south-florida-polling-place-moved-to-gated-community-requiring-voters-to-show-id/792472>



The Department of
Please take our

Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 8:56 PM
To: Wood, Zane D.; Cook, Catherine E.
Cc: Hastings, Linda M.
Subject: Broward County tweet

Do you know the back story behind this story?

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 9, 2018 at 8:34:05 PM EST
To: "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Kennedy, Jennifer L." <Jennifer.Kennedy@dos.myflorida.com>, "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.I.Matthews@dos.myflorida.com>, "Stowers, Austin N." <Austin.Stowers@dos.myflorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Fitz-Patrick, Christie (Burrus)" <Christie.Fitz-Patrick@dos.myflorida.com>
Subject: tweet



Tweet



Jeff Kottkamp
@JeffKottkamp

Affidavit filed by Broward Election employee in support of Caldwell lawsuit provides eye witness account of Elections staff filling in blank ballots. When this was reported the employee was fired and told not to come back. #sayfi

11/13/18, 8:15 PM

Retweeted by @JeffKottkamp

5 retweets, 5 likes

Sent from my iPhone

The first part of the document is a comparison of the two
Fig. 1. The first part of the document is a comparison of the two

Swain, Margaret A.

From: Cook, Catherine E.
Sent: Wednesday, November 7, 2018 5:38 PM
To: Wood, Zane D.
Subject: FW: Broward Official observation Letter
Attachments: BRO Official observation PRI GEN 2018.pdf

From: Rivera, Maribel
Sent: Tuesday, July 31, 2018 4:41 PM
To: Cook, Catherine E. <Catherine.Cook@dos.myflorida.com>
Subject: Broward Official observation Letter

Please feel free to contact me if you have any further questions or concerns.

Kind regards,

Maribel Rivera

Administrative Assistant
Bureau of Voting Systems Certification
Florida Division of Elections
(850)245-6173
Maribel.Rivera@DOS.MyFlorida.com

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 20, 2018

VIA U.S. MAIL AND EMAIL

The Honorable Brenda Snipes
Supervisor of Elections, Broward County
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301

Dear Supervisor Snipes:

By way of this letter, I hereby notify you that I have appointed Chief Linda Hastings and Cathy Cook as my deputies to observe and examine the election processes, to include any vote tabulations, and the condition, custody, and operation of voting systems and equipment in Broward County for the Primary and General Elections to include the logic and accuracy testing, early voting period, any canvassing board meetings, and election day.

In accordance with section 101.58 of the Florida Statutes, Chief. Hastings and Ms. Cook "shall have full access to all premises, records, equipment, and staff of the supervisor of elections." The law specifically provides that my appointed deputies "shall have access to all registration books and records as well as any other records or procedures relating to the voting process." § 101.58, Fla. Stat. A deputy "may supervise preparation of the voting equipment and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty." *Id.*

Chief Hastings will be in Broward County on August 8, 2018, to attend the logic and accuracy test for the Primary Elections and on August 16-17 to attend beginning canvassing board related activities. Ms. Cook will join Chief Hastings starting August 18 and will be splitting observation duties as appropriate through election night on August 28, 2018. After the Primary Elections, we will revisit the timeline for observation for the General Elections. As provided by law, they will file one final report of their findings and observations with the Department of State and with the clerk of the circuit court for the Seventeenth Judicial Circuit.

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6218 (Fax) DOS.MyFlorida.com/elections



Dr. Brenda Snipes
Supervisor of Elections for Broward County
July 20, 2018
Page 2

If you have questions or concerns before that time, please feel free to call Maria Matthews, Director, Division of Elections, directly at (850) 245-6520.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Detzner", written in a cursive style.

Ken Detzner
Secretary of State

Pc: Maria Matthews, Esq., Director, Division of Elections
Linda Hastings, Chief, Bureau of Voting Systems Certification

Swain, Margaret A.

From: Cook, Catherine E.
Sent: Wednesday, November 7, 2018 5:38 PM
To: Wood, Zane D.
Subject: FW: Broward Official observation Letter
Attachments: BRO Official observation PRI GEN 2018.pdf

From: Rivera, Maribel
Sent: Tuesday, July 31, 2018 4:41 PM
To: Cook, Catherine E. <Catherine.Cook@dos.myflorida.com>
Subject: Broward Official observation Letter

Please feel free to contact me if you have any further questions or concerns.

Kind regards,

Maribel Rivera

Administrative Assistant
Bureau of Voting Systems Certification
Florida Division of Elections
(850)245-6173
Maribel.Rivera@DOS.MyFlorida.com

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 20, 2018

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Supervisor of Elections, Broward County
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301

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Dr. Brenda Snipes
Supervisor of Elections for Broward County
July 20, 2018
Page 2

If you have questions or concerns before that time, please feel free to call Maria Matthews, Director, Division of Elections, directly at (850) 245-6520.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Detzner". The signature is fluid and cursive, with the first name "Ken" being more prominent than the last name "Detzner".

Ken Detzner
Secretary of State

Pc: Maria Matthews, Esq., Director, Division of Elections
Linda Hastings, Chief, Bureau of Voting Systems Certification

Swain, Margaret A.

From: Wood, Zane D.
Sent: Wednesday, November 7, 2018 5:40 PM
To: Cook, Catherine E.
Subject: FW: Follow-up - Broward County/Machine Recount Order/Circuit Judge 17, Group 42
Attachments: Machine Recount Order - Circuit Judge 17-42.pdf; DE Guide 0020- Canvassing Board Membership and Activities.pdf; DE Guide 0010- Recount Procedure Summary - revised -07-2016.pdf

This is the email to Dr. Snipes from Maria.

From: Matthews, Maria I.
Sent: Friday, August 31, 2018 1:46 PM
To: Snipes, Brenda C. <bsnipes@browardsoe.org>
Cc: Wood, Zane D. <Zane.Wood@dos.myflorida.com>; Hastings, Linda M. <Linda.Hastings@DOS.MyFlorida.com>; Patricia Santiago <psantiago@browardsoe.org>; Fred Bellis <fbellis@browardsoe.org>; Maddox, Kristy <Kristy.Maddox@DOS.MyFlorida.com>; Modrow, Janet <Janet.Modrow@DOS.MyFlorida.com>
Subject: Follow-up - Broward County/Machine Recount Order/Circuit Judge 17, Group 42

Dr. Snipes:

I wanted to let you know that we will be sending down Zane Wood from Bureau of Voting Systems Certification to observe the recount. He will be arriving this evening and will come to your office in the morning. He'll probably end up staying through Tuesday at minimum.

Also, if it helps, here is a list of relevant statutes and rules pertaining to the recount process:

- Section 102.141, Fla. Stat. (machine recount) (subsection (7) - (8))
- Section 102.166, Fla. Stat. (manual recount, only if ordered)
- DE Guide 0020 - Canvassing Board Membership and Activities (look at what is required for presence for recount) (Attachment 2)
- DE Guide 0010 - Recount Procedure Summary (Attachment 3)
- Rules
 - 1S-2.031 - Recount Procedures (PDF) Look at subsections (1)-(4) for machine recount and in the event the manual recount also is subsequently ordered look at subsections (1)-(3), and (5).
 - 1S-2.027 - Standards for Determining Voter's Choice on a Ballot (PDF) (for use only if manual recount is ordered)
 - 1S-2.051 - Standards for Determining Voter's Choice on a Federal Write-In Absentee Ballot (PDF) (for use only if manual recount ordered is ordered)

If you have any questions, please do not hesitate to contact me.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director

Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520

Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

From: Matthews, Maria I.

Sent: Friday, August 31, 2018 11:53 AM

To: Brenda Snipes <bsnipes@browardsoe.org>

Cc: 'Patricia Santiago' <psantiago@browardsoe.org>; Fred Bellis <fbellis@browardsoe.org>; Hastings, Linda M.

<Linda.Hastings@DOS.MyFlorida.com>; Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>; Underwood, Wes

H. <Wes.Underwood@dos.myflorida.com>; Modrow, Janet <Janet.Modrow@DOS.MyFlorida.com>

Subject: Broward County/Machine Recount Order/Circuit Judge 17, Group 42

Dear Supervisor Snipes:

Please find attached the Secretary of State's order for machine recount in the race for office of Circuit Court 17th, Group 42 on the 2018 Primary Election Ballot. Our understanding is that you have already set aside a date and time for the machine recount based on a local school board recount being ordered by the county canvassing board. <https://www.browardsoe.org/Portals/Broward/Images/082818-Public-Notice-of-Canvassing-Board-Recount.pdf>

We will contact the candidates by separate email.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520

Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

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SECRETARY OF STATE ORDER ON CONDUCT OF MACHINE RECOUNT

Section 102.141(7), Florida Statutes, provides that the Secretary of State is responsible for ordering recounts in federal, state, and multicounty races when the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure.

Based upon the above statute and the unofficial results reported to the Division of Elections for the Primary Election, Circuit Court Judge, 17th Judicial Circuit, Group 42, held on August 28, 2018, **I hereby order the canvassing board responsible for canvassing the above race to conduct a machine recount of the votes cast in the race in accordance with Section 102.141, Florida Statutes.**

Pursuant to Section 102.141(7)(c), Florida Statutes, the results of the machine recount shall be included in the second set of unofficial returns to be filed with the Division of Elections no later than 3:00 p.m. on September 2, 2018.



GIVEN under my hand and the
Great Seal of the State of Florida,
at Tallahassee, this the 31st day of
August, A.D., 2018.

Ken Detzner

Ken Detzner
Secretary of State



Canvassing Board Membership and Activities

DE Reference Guide 0020 (Updated 05-2018)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

OVERVIEW

- Canvassing board.
 - The county canvassing board is composed of three members: the supervisor of elections; a county court judge who acts as the chair, and the chair of the board of county commissioners.
 - Aside from attendance at training workshops, a board member's duties will begin as early as the pre-election testing of voting equipment scheduled within the 10 days before early voting, intensify as canvassing of vote-by-mail ballots begin which may start as early as 15 days before an election and continue through election night reporting, post-election voting system audits, and certification of election results.
- Substitute.
 - The law requires substitutes to be appointed whenever a member is unable to serve or is disqualified from serving.
 - The substitute cannot be a candidate with opposition in the election being canvassed and cannot be an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. For what constitutes active participation in the campaign or candidacy of a candidate, see Division of Elections Advisory Opinion [DE 09-07](#).
 - The process for appointing a substitute is set out in section [102.141](#)(1), Fla. Stat.
- Alternate.
 - Each canvassing board must have two alternates designated. The long-term service on a canvassing board can place an undue burden on a volunteer member's other professional and personal obligations. Therefore, an alternate serves as a back-up in the event a member is unable to participate in a meeting of the board.
 - The alternates are to be appointed as close in time to when the canvassing board membership is designated.
 - If not otherwise serving as one of the three members of the canvassing board, the alternate can be present, observe and communicate with the other members of the board but cannot vote in the board's decisions or determinations. The process for appointing alternates to the canvassing board is set out in section [102.141](#)(1), Fla. Stat.
- Duties.
 - The canvassing board is charged by law with a number of activities in the conduct of elections and ascertainment of results.
 - This reference guide focuses specifically on the membership requirement for those activities.

REQUISITE MEMBERSHIP FOR CANVASSING BOARD ACTIVITIES

- Unless otherwise specified in statute or rule, the canvassing board may act when two members of the board are present, thereby constituting a majority, as long as the two members present are in agreement as to the action to be taken. If they are not in agreement, then a majority of the board has not approved the action. See also DE Advisory Opinion [05-08](#). The chart on the following page details requisite membership attendance based on category of activity.

Activity	Number of Canvassing Board Members Required to be Present	Underlying statute(s) and/or rule for activity
Public logic & accuracy testing	<ul style="list-style-type: none"> At least one member for test All members to certify the accuracy of test 	Section 101.5612 (2), Fla. Stat.
Canvassing of vote-by-mail ballots	<ul style="list-style-type: none"> Majority to approve and order the opening of the ballots At least one member to be present at all times during opening and running of the ballots through tabulation system 	Sections 101.68 , 101.6925 , and 102.141 (2) & (8), Fla. Stat.
Determination to count or reject vote-by-mail ballots (e.g., signature mismatch)	<ul style="list-style-type: none"> Majority to determine whether to count or reject a ballot 	Sections 101.68 , 101.6925 , and 102.141 (2), Fla. Stat.
Duplication of ballot	<ul style="list-style-type: none"> Majority to be present to approve ballots to be duplicated At least one member to be present during duplication of ballots 	Sections 101.5614 (5), 101.68 , and 102.141 (8), Fla. Stat.
Canvassing of provisional ballots	<ul style="list-style-type: none"> Majority to determine whether to reject or accept 	Sections 101.048 , 101.049 , 101.6925 , and 102.141 (2), Fla. Stat.; Rule 1S-2.037 , Fla. Admin. Code
Recount	<ul style="list-style-type: none"> Majority at all times during recount process All members for determination or decision to resolve a discrepancy during a recount 	Sections 102.141 and 102.166 , Fla. Stat.; Rules 1S-2.027 , and 1S-2.031 , Fla. Admin. Code
Certification of election results	<ul style="list-style-type: none"> Majority to certify results 	Section 102.151 , Fla. Stat.
Post-election certification audit of voting system	<ul style="list-style-type: none"> Majority at all times during audit process 	Section 101.591 , Fla. Stat.; Rule 1S-5.026 (4)(e), Fla. Admin. Code



Recount Procedure Summary

DE Reference Guidelines 0010 (Updated 07/2016)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

APPLICABLE LAW

- Sections [102.141](#)(7) and [102.166](#), Florida Statutes (2013), and [Rules 1S-2.027](#), [1S-2.031](#), and [1S-2.051](#) Fla. Admin. Code, govern recounts.
- This summary only represents a general overview. Please consult law and rule for specifics as they govern.

ORDERING OF A RECOUNT

- **Who orders the recount?**
 - The Secretary of State orders any recount for federal, state, or multicounty races involving candidates for office, candidates for judicial retention, and measures appearing on the ballot.
 - For all other races, the board certifying the results orders the recount.
- A recount may not begin until it has been ordered to occur by the proper authority.
- A candidate or political committee has no authority to request a recount.
- A recount at a minimum consists of a machine recount; it may also include a manual recount.

RACES NOT SUBJECT TO A RECOUNT (based upon the races not having “candidates” for office)

- Presidential Preference Primary.
- Political party executive committee (*i.e.*, state, district, and precinct committeemen and committeewomen).

PUBLIC NOTICE

- **Public notice** must be provided as soon as possible given the circumstances and the limited time schedule.
- Machine and manual recounts are **open to the public**.

MACHINE RECOUNT (s. 102.141(7), F.S.)

STATUTORY DEADLINE TO REPORT 1 ST SET OF UNOFFICIAL RETURNS (s. 102.141(5), F.S.)
<ul style="list-style-type: none">• After a Primary Election: No later than noon on the 3rd day after the Primary Election.• After a General Election: No later than noon on the 4th day after the General Election.• After a Special Primary or Special Election: No later than noon on 4th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.)

- **A machine recount must be ordered if** the 1st set of unofficial returns indicates that a candidate was defeated or eliminated by $\frac{1}{2}$ of 1% or less of the total votes cast for an office or if an issue was approved or rejected by $\frac{1}{2}$ of 1% or less of the total votes cast on the issue.
- **Exception to a machine recount:**
 - If a candidate or candidates who is defeated or eliminated from contention for the office by $\frac{1}{2}$ of 1% or less requests in writing that a machine recount not be conducted.
- The canvassing board must follow the procedures in [Rule 1S-2.031](#).
- The machine recount constitutes a retabulation of all ballots.
- Before the machine recount occurs, a **new election definition** must be created for the race(s) to be recounted. Parameters must be set to reject all overvotes and undervotes.
- Before the start of the recount, a **public test of the tabulating equipment** must occur.

- **Optical scan ballots and hybrid voting system paper outputs:** The canvassing board must run each ballot with the affected race(s) through tabulator. All overvotes (optical scan ballots only) and undervotes (optical scan/hybrid voting system paper outputs) are outstacked to be used in the manual recount if one becomes necessary.
- **Touchscreen ballots:** The canvassing board must produce the printed vote totals from each of the touchscreen machines where the recounted race(s) appeared. The canvassing board tests the accuracy of the printed vote totals by comparing them against the totals from election night and shall resolve any discrepancy.
- **Results:** The results of the machine recount are included in the 2nd set of unofficial returns.

STATUTORY DEADLINE TO REPORT 2 ND SET OF UNOFFICIAL RETURNS (s. 102.141(7)(c), F.S.)
<ul style="list-style-type: none"> • After a Primary Election: No later than 3 p.m. on the 5th day after the Primary Election. • After a General Election: No later than 3 p.m. on the 9th day after the General Election. • After a Special Primary or Special Election: No later than 3 p.m. on the 9th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.)

MANUAL RECOUNT (s. 102.166, F.S.)

- A manual recount must be ordered if the 2nd set of unofficial returns indicates that a candidate was eliminated or defeated by $\frac{1}{4}$ of 1% or less of the votes cast for the office or an issue was approved or rejected by $\frac{1}{4}$ of 1% or less.
- **Exceptions to a manual recount:**
 - If the candidate or candidates defeated or eliminated from contention for the office by $\frac{1}{4}$ of 1% or less request in writing that it not be conducted; or
 - If the number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.
- The manual recount is only a **recount of overvotes and undervotes** as outstacked from the machine recount.
- The canvassing board must use the procedures in [Rule 1S-2.031](#).
- A vote for a candidate or issue must be counted if there is a clear indication on the ballot that a voter made a definite choice. See [Rule 1S-2.027](#) and [Rule 1S-2.051](#).
- **Optical scan ballots and hybrid voting system paper outputs:**
 - The canvassing board assigns **counting teams** to review the overvotes (optical scan ballots only) and undervotes (optical scan/hybrid voting system paper outputs). Authorized representatives are permitted to be present and object to any decision of the counting team, but they may not otherwise disturb or interfere with the recount.
 - Each counting team sorts the ballots into 3 stacks for the recounted race: 1) ballots determined to contain a valid vote; 2) ballots determined to contain no clear indication of choice; and 3) ballots set aside for canvassing board determination.
- **Touchscreen ballots:**
 - Touchscreen machines do not permit overvotes; thus, only undervotes are reviewed.
 - The canvassing board orders the printing of an official copy of the ballot image report from each touchscreen voting machine that has recorded an undervote for the recounted race.
 - The ballot image report is reviewed to determine if there is a clear indication on the ballot that a voter made a definite choice.
- **Results:** The results from the manual recount are contained in the certification of the official returns.

STATUTORY DEADLINE TO REPORT OFFICIAL RETURNS (s. 102.112(2), F.S.)
<ul style="list-style-type: none"> • After a Primary Election: No later than 5 p.m. on the 7th day after the Primary Election. • After a General Election: No later than Noon on the 12th day after the General Election. • After a Special Primary or Special Election: No later than Noon on 12th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.) • If the results are not received by the time specified, such returns are ignored and the results on file at the specified time shall be certified by the Department of State.

NOTE: Although the Presidential Preference Primary (PPP) is not subject to recount procedures, the deadlines for submission of the 1st set of unofficial returns and the official returns for the PPP are the same as for the General Election.

EXAMPLES OF RECOUNT CALCULATIONS

RACE WITH 2 CANDIDATES (PRIMARY OR GENERAL ELECTION BALLOT)

- **Candidate A:** 9,755 votes – 49.77%
- **Candidate B:** 9,845 votes – 50.23%
- **Total:** 19,600 votes – 100%
- **Calculation:** $50.23\% - 49.77\% = .45\%$; therefore, Candidate A was defeated by .45% of votes cast.
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.45\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
 - If this scenario was based upon the 2nd set of unofficial returns, a manual recount is not required because $.45\% \geq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

NONPARTISAN SCHOOL BOARD RACE WITH 3 CANDIDATES WHERE ONE CANDIDATE HAS RECEIVED A MAJORITY OF THE VOTES CAST (PRIMARY BALLOT, ONLY)

- **Candidate A:** 3,260 votes – 35.58%
- **Candidate B:** 4,583 votes – 50.02%
- **Candidate C:** 1,319 votes – 14.40%
- **Total:** 9,162 votes – 100%
- Per s. [105.051](#)(1)(b), Fla. Stat., if two or more candidates, neither of whom is a write-in candidate, qualify for such office in the primary election, then the name of the candidate who receives the majority of the votes cast shall not appear on the general election ballot unless there is a write-in candidate. If no candidate receives a majority of the votes cast, the names of the two candidates receiving the highest number of votes for the office will be placed on the general election ballot.
- **Calculation:** In the above race, Candidate A was eliminated as a candidate for the general election by .02% even though he finished 14.44 percentage points behind Candidate B. To avoid the recount in this scenario, the person receiving the majority vote must have won by more than 50.5% of the votes cast.
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.02\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
 - If this scenario was based upon the 2nd set of unofficial returns, a manual recount is required because $.02\% \leq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

NONPARTISAN SCHOOL BOARD RACE WITH 3 CANDIDATES WITH NO CANDIDATE RECEIVING A MAJORITY OF THE VOTES CAST (PRIMARY ELECTION) OR ANY RACE INVOLVING “VOTE FOR NO MORE THAN 2” CANDIDATES (GENERAL ELECTION)

- **Candidate A:** 4,010 votes – 26.04%
 - **Candidate B:** 7,315 votes – 47.50%
 - **Candidate C:** 4,075 votes – 26.46%
 - **Total:** 15,400 votes – 100%
 - **Calculation:** In the above race, Candidate A was eliminated as a candidate behind Candidate C by .42% ($26.46\% - 26.04\% = .42\%$).
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.42\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
- If this scenario was based upon the 2nd set of unofficial returns, a manual recount is not required because $.42\% \geq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 10:59 AM
To: Cook, Catherine E.; Hastings, Linda M.; Maddox, Kristy; Wood, Zane D.
Subject: FW: Tweets: Recounts

FYI.

From: Ard, Mark
Sent: Friday, November 9, 2018 10:54 AM
To: Revell, Sarah W. <Sarah.Revell@dos.myflorida.com>; Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Stowers, Austin N. <Austin.Stowers@dos.myflorida.com>; McVay, Brad R. <Brad.McVay@dos.myflorida.com>; Fitz-Patrick, Christie (Burrus) <Christie.Fitz-Patrick@dos.myflorida.com>
Subject: RE: Tweets: Recounts

I can't get any of the videos to play on my computer, but here's this.

WPEC CBS12 News Retweeted



Maxine Bentzel @MaxineBen... 3m
PBC canvassing board now reviewing provisional ballots cast on Election Day. Supervisor of Elections Susan Bucher explains the process @CBS12



2



George Bennett @gbennettpost 8s
. @SenBillNelson #recount attorney challenging #Florida law requiring signatures on mail, provisional ballots to match those on file w elections offices. Says reliance on "untrained opinion of canvassing boards or elections officials" on signature matches disenfranchises voters.

1

From: Ard, Mark

Sent: Friday, November 9, 2018 10:13 AM

To: Revell, Sarah W. <Sarah.Revell@dos.myflorida.com>; Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Stowers, Austin N. <Austin.Stowers@dos.myflorida.com>; McVay, Brad R. <Brad.McVay@dos.myflorida.com>; Ard, Mark <Mark.Ard@DOS.MyFlorida.com>; Fitz-Patrick, Christie (Burrus) <Christie.Fitz-Patrick@dos.myflorida.com>

Subject: FW: Tweets: Recounts



Rick Scott  @ScottforFlorida 21s

Palm Beach County has failed to update the Department of State since 10:19 am yesterday. This is in complete violation of Florida law which requires updated reports every 45 minutes until results are completely reported.

[Show this thread](#)



Rick Scott  @ScottforFlorida 21s

Broward and Palm Beach Counties have failed in their duty to follow Florida law which requires that vote by mail and absentee ballots are accounted within 30 minutes of polls closing

[Show this thread](#)



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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Saturday, November 10, 2018 2:42 AM
To: Wood, Zane D.; Cook, Catherine E.
Cc: Hastings, Linda M.
Subject: Fwd: Miami Herald: Whoops! Brenda Snipes' office mixed bad provisional ballots with good ones

FYI.

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 9, 2018 at 11:23:18 PM EST
To: "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>, "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "Fitz-Patrick, Christie (Burrus)" <Christie.Fitz-Patrick@dos.myflorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Stowers, Austin N." <Austin.Stowers@dos.myflorida.com>
Subject: Miami Herald: Whoops! Brenda Snipes' office mixed bad provisional ballots with good ones

voting

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Sunday, November 11, 2018 5:49 PM
To: Cook, Catherine E.; Hastings, Linda M.; Maddox, Kristy; Wood, Zane D.
Subject: Fwd: Memo: Attorney General Bondi Sends Letters to FDLE and Florida Department of State

FYI only. No reply requested or required.

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 11, 2018 at 5:21:59 PM EST
To: "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>
Subject: FW: Memo: Attorney General Bondi Sends Letters to FDLE and Florida Department of State

FYI – I was just forwarded this by a reporter.

----- Forwarded message -----

From: Attorney General Bondi's Communications Office <agmedia@myfloridalegal.com>
Date: Sun, Nov 11, 2018 at 3:59 PM
Subject: Memo: Attorney General Bondi Sends Letters to FDLE and Florida Department of State
To:

MEMO

Date:
Nov. 11, 2018

Contact:
Whitney Ray
Phone: 850.245.0150
Email: Whitney.Ray@myfloridalegal.com

Memo: Attorney General Bondi Sends Letters to FDLE and Florida Department of State

Date: Nov. 11, 2018

To: Interested Media

From: Attorney General Pam Bondi

Re: 2018 Florida Election

Attorney General Pam Bondi today sent the following letters to Florida Department of Law Enforcement Commissioner Rick Swearingen and Secretary of State Ken Detzner regarding the 2018 Florida Election.

To view the letter to Secretary Detzner, click [here](#).

To view the letter to Commissioner Swearingen, click [here](#).

#

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David Smiley
Miami Herald
Cell: 786-683-2195

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Swain, Margaret A.

From: Hastings, Linda M.
Sent: Friday, November 9, 2018 7:16 PM
To: McPherson, Angie; Cook, Catherine E.; Lipman, Eleonor G.; Mathes, Greg K.; Halter, Jim; Maddox, Kristy; Rivera, Maribel; Wood, Zane D.
Subject: Fwd: Untimely results

FYI

Begin forwarded message:

From: "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>
Date: November 9, 2018 at 6:48:33 PM EST
To: "Wood, Zane D." <Zane.Wood@dos.myflorida.com>
Cc: "Hastings, Linda M." <Linda.Hastings@DOS.MyFlorida.com>, "Modrow, Janet" <Janet.Modrow@DOS.MyFlorida.com>
Subject: Untimely results

Zane:

You asked a good question.

- If the deadline for the 1st unofficial returns is missed, the law is silent as to what to do. The understanding appears to be that it would be whatever was last uploaded by the noon deadline would then become the 1st unofficial returns. See section [102.141](#)(5), Fla. Stat.
The 1st unofficial must include the canvass of **all** ballots as required by subsection (2) of section [102.141](#), Fla. Stat.
- If the deadline is missed for the 2nd unofficial returns (if a machine recount was ordered), the initial unofficial returns become the 2nd unofficial returns. The canvassing board has to provide a written explanation of why it couldn't meet the deadline and it still has to complete the machine recount and if ordered subsequently, any manual recount before election returns are certified by the board. See section [102.141](#)(7)(c), Fla. Stat. The results of the manual recount get folded into the official returns.
- If the deadline is missed for the official returns, those returns are to be ignored and the results on file at the time of the deadline become the certified version. See section [102.112](#)(3), Fla. Stat.

Please stay safe as there is quite a rowdy crowd I heard at the Broward County SOE office.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street

Tallahassee, Florida 32399

850.245.6520

Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

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Swain, Margaret A.

From: Mosca, Alexander N.
Sent: Tuesday, November 6, 2018 5:09 PM
To: Matthews, Maria I.; Cook, Catherine E.
Subject: RE: Broward County/Election Day Social Media Monitoring

The SOE office sent a sheriff over to ensure that the gate was kept open to allow access to all.

From: Matthews, Maria I.
Sent: Tuesday, November 6, 2018 5:05 PM
To: Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>; Cook, Catherine E. <Catherine.Cook@dos.myflorida.com>
Subject: Broward County/Election Day Social Media Monitoring

Do we have update of how they resolved this yet?

<https://www.wtsp.com/article/news/politics/elections/south-florida-polling-place-moved-to-gated-community-requiring-voters-to-show-id/611792472>



10News WTSP Retweeted



Samantha Mitchell @sammitchh... 2m

South Florida polling place moved to gated community, requiring voters to show ID [on.wtsp.com/2F7WGk7](https://www.wtsp.com/2F7WGk7)



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Swain, Margaret A.

From: Hastings, Linda M.
Sent: Friday, November 9, 2018 9:01 PM
To: Matthews, Maria I.
Cc: Wood, Zane D.; Cook, Catherine E.
Subject: Re: Broward County tweet

I don't. Have contacted Zane to ask him to check his email.

On Nov 9, 2018, at 8:56 PM, Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com> wrote:

Do you know the back story behind this story?

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 9, 2018 at 8:34:05 PM EST
To: "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>, "Stowers, Austin N." <Austin.Stowers@dos.myflorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Fitz-Patrick, Christie (Burrus)" <Christie.Fitz-Patrick@dos.myflorida.com>
Subject: tweet

<Image-1.jpg>

Sent from my iPhone

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 9:07 PM
To: Hastings, Linda M.
Cc: Wood, Zane D.; Cook, Catherine E.
Subject: Re: Broward County tweet

He confirmed repackaged story from 2016.

Sent from my iPhone

On Nov 9, 2018, at 9:01 PM, Hastings, Linda M. <Linda.Hastings@DOS.MyFlorida.com> wrote:

I don't. Have contacted Zane to ask him to check his email.

On Nov 9, 2018, at 8:56 PM, Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com> wrote:

Do you know the back story behind this story?

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 9, 2018 at 8:34:05 PM EST
To: "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>, "Stowers, Austin N." <Austin.Stowers@dos.myflorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Fitz-Patrick, Christie (Burrus)" <Christie.Fitz-Patrick@dos.myflorida.com>
Subject: tweet

<Image-1.jpg>

Sent from my iPhone

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Wednesday, November 7, 2018 5:09 PM
To: Revell, Sarah W.; Marconnet, Amber
Cc: Wood, Zane D.; Cook, Catherine E.
Subject: Re: Media Q re: Broward County

Sarah, we could ask and generally do and they estimated 8k this am but I'd be hesitant to share too definitively because there no obligation to tell us how many other than to report what has been tabulated. The issue is I am sure they probably don't know for sure & are reluctant to provide a figure as they may substantively differ in the long run and for the very reason people want know & that is they try to guess impact in results. Cathy and Zane are down in county & could if you want to try for a number.

Sent from my iPhone

On Nov 7, 2018, at 4:52 PM, Revell, Sarah W. <Sarah.Revell@dos.myflorida.com> wrote:

Maria and Amber,

I'm receiving questions from outlets in South Florida on how many ballot are left to be counted in Broward. Reporters have been reaching out to SOE Snipes and she has been telling them she does not know how many are left. Reporters are now reaching out to us to see if we have any idea.

Below is a proposed response – my understanding is that Broward has not been able to give us a solid number. Can you review the below and let me know if this response is appropriate or if we need to revise? Thank you!

We have been communicating with the Broward County Supervisor of Elections' office and they have not been able to provide the Department with a definitive number of vote-by-mail or early voting ballots that still need to be counted.

-Sarah

Sarah Revell
Director of Communications
Florida Department of State
500 South Bronough Street
Tallahassee, FL 32399-0250
Direct: 850-245-6522
Cell: 850-528-8992
Email: Sarah.Revell@dos.myflorida.com

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Saturday, November 10, 2018 7:57 AM
To: Wood, Zane D.
Cc: Hastings, Linda M.; Cook, Catherine E.
Subject: BRO/1st unofficials

Please let me know when CCB for Broward meets this AM and when they expect to upload 1st unofficial returns.

Also can you please confirm where on the BRO website where and if BRO has noticed a public conditional notice for recount for the statewide races?

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Thursday, November 8, 2018 7:07 AM
To: Cook, Catherine E.; Wood, Zane D.
Cc: Hastings, Linda M.
Subject: Broward County/ VBM

FYI as to what is being reported to us regarding their going through vote-by-mail ballots in Broward.

By the way, can you tell me, these ballots that they are going through when were they received? Day before election day or on election day?

From: Brown, Toshia
Sent: Thursday, November 8, 2018 6:38 AM
To: Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>
Cc: Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Subject: Re: VBM

Thank you Amber!

Get [Outlook for iOS](#)

From: Marconnet, Amber
Sent: Thursday, November 8, 2018 6:36:04 AM
To: Kennedy, Jennifer L.
Cc: Underwood, Wes H.; Matthews, Maria I.; Brown, Toshia
Subject: Fwd: VBM

Update from BRO below.

Thanks,

Amber

Sent from my iPhone

Begin forwarded message:

From: Joseph D'Alessandro <jdalessandro@browardsoe.org>
Date: November 8, 2018 at 1:38:24 AM EST
To: "Marconnet, Amber" <Amber.Marconnet@DOS.MyFlorida.com>
Subject: RE: VBM

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hello again, canvassing board has instructed us to call it a night. I just uploaded what we have run for today. Website is updated as well. We are coming back at 7am to finish what we have.

Joseph M D'Alessandro, MFCEP
Director of Election Planning and Development.
Broward County Supervisor of Elections Office
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301
954-712-1911
www.browardsoe.org

2018 Election Dates

November 6th - General Election

Join us on:



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From: Marconnet, Amber [<mailto:Amber.Marconnet@DOS.MyFlorida.com>]
Sent: Thursday, November 08, 2018 12:27 AM
To: Joseph D'Alessandro
Subject: RE: VBM

Hi Joe,

I just tried calling to check in but was unable to reach you. I didn't want to be a bother but just wanted to check on the status of your VBM and EV. Your last upload was around 7 PM. I know you indicated finishing tonight around midnight so I was hoping to catch you for an update.

Can you provide a status as soon as you have a chance?

Thanks so much! Hope you get some rest soon!

Amber Marconnet

Sr. Management Analyst Supervisor
Division of Elections, Bureau of Voter Registration Services
R.A. Gray Building, Room 316
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6224

From: Marconnet, Amber
Sent: Wednesday, November 7, 2018 5:01 PM

To: 'jdalessandro@Browardsoe.org' <jdalessandro@Browardsoe.org>

Subject: VBM

Hi Joe,

I left a message on your voicemail but wanted to send you an email as well.

I was given the following info for BRO:

About 9,000 ballots that need to be opened.

Are still processing those that are already opened for the duration of the evening.

No estimated completion time given but will finish today.

Can you give me a call once your VBM's are complete?

I can be reached at (850) 245-6224 or (850) 445-7627.

Thank you,

Amber Marconnet

Sr. Management Analyst Supervisor

Division of Elections, Bureau of Voter Registration Services

R.A. Gray Building, Room 316

500 S. Bronough Street

Tallahassee, Florida 32399

850.245.6224

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 10:52 AM
To: Cathy Bridges; Wood, Zane D.
Cc: Hastings, Linda M.
Subject: Broward County/Teacher reports finding ballot box left behind at Broward polling place

Just an FYI.

From: Revell, Sarah W.
Sent: Friday, November 9, 2018 8:54 AM
To: Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Stowers, Austin N. <Austin.Stowers@dos.myflorida.com>; McVay, Brad R. <Brad.McVay@dos.myflorida.com>; Fitz-Patrick, Christie (Burrus) <Christie.Fitz-Patrick@dos.myflorida.com>; Ard, Mark <Mark.Ard@DOS.MyFlorida.com>
Subject: SS: Teacher reports finding ballot box left behind at Broward polling place

[Teacher reports finding ballot box left behind at Broward polling place](#)

Sun Sentinel
Susannah Bryan
November 8, 2018

Teacher Lakeisha Sorey says she discovered a locked ballot box at [Sunshine Elementary School](#) in [Miramar](#).

Sorey said she found the box about 3 p.m. Thursday, in the same area where voting had been held, and knew not to meddle with it.

"I didn't want to touch it," Sorey said.

Her discovery came as [several statewide races](#) hang in the balance, with elections officials in Broward and Palm Beach counties still counting votes on Thursday.

Seeking help, Sorey phoned her friend, State Rep. Shevrin Jones, D-West Park, a close confidante of gubernatorial candidate Andrew Gillum.

Jones called the Broward Supervisor of Elections Office, and a woman there told him the box was probably full of blank ballots, he said. If that's the case, Jones is questioning why the box is locked.

Jones wasn't sure whether anyone from the Elections Office was planning to head to the school Thursday night to retrieve the box. He's worried the box might contain ballots that are not being counted, Jones said.

"I was shocked about it," he said. "I don't think you'd lock up extra ballot paper. I'm hoping someone will at least go verify and make sure there are no ballots inside the box."

A spokesman from the elections office could not be reached for comment Thursday.

Sorey took a photo of the box, a large gray bin with a slot on top and a paper affixed to its side that reads, "Provisional Ballot Box."

Provisional ballots are those where the voter's eligibility is in question because, for example, the person lacked the proper identification at the polls. Such voters were given until 5 p.m. Thursday to clear up the issue so the ballot can be counted. In an extremely close race, provisional ballots could make a difference in who wins.

State law requires a recount if the race is closer than 0.5 percent, and it appears a recount may be required for several races, including that of governor, U.S. Senate and state agriculture commissioner.

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 8:56 PM
To: Wood, Zane D.; Cook, Catherine E.
Cc: Hastings, Linda M.
Subject: Broward County tweet

Do you know the back story behind this story?

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 9, 2018 at 8:34:05 PM EST
To: "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>, "Stowers, Austin N." <Austin.Stowers@dos.myflorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Fitz-Patrick, Christie (Burrus)" <Christie.Fitz-Patrick@dos.myflorida.com>
Subject: tweet



Tweet



Jeff Kottkamp
@JeffKottkamp

Affidavit filed by Broward Election employee in support of Caldwell lawsuit provides eye witness account of Elections staff filling in blank ballots. When this was reported the employee was fired and told not to come back. [#sayfi](#)

11/9/18, 8:15 PM

5 Retweets **5** Likes

Sent from my iPhone

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Swain, Margaret A.

From: Cook, Catherine E.
Sent: Wednesday, November 7, 2018 5:38 PM
To: Wood, Zane D.
Subject: FW: Broward Official observation Letter
Attachments: BRO Official observation PRI GEN 2018.pdf

From: Rivera, Maribel
Sent: Tuesday, July 31, 2018 4:41 PM
To: Cook, Catherine E. <Catherine.Cook@dos.myflorida.com>
Subject: Broward Official observation Letter

Please feel free to contact me if you have any further questions or concerns.

Kind regards,

Maribel Rivera

Administrative Assistant
Bureau of Voting Systems Certification
Florida Division of Elections
(850)245-6173
Maribel.Rivera@DOS.MyFlorida.com

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 20, 2018

VIA U.S. MAIL AND EMAIL

The Honorable Brenda Snipes
Supervisor of Elections, Broward County
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301

Dear Supervisor Snipes:

By way of this letter, I hereby notify you that I have appointed Chief Linda Hastings and Cathy Cook as my deputies to observe and examine the election processes, to include any vote tabulations, and the condition, custody, and operation of voting systems and equipment in Broward County for the Primary and General Elections to include the logic and accuracy testing, early voting period, any canvassing board meetings, and election day.

In accordance with section 101.58 of the Florida Statutes, Chief. Hastings and Ms. Cook "shall have full access to all premises, records, equipment, and staff of the supervisor of elections." The law specifically provides that my appointed deputies "shall have access to all registration books and records as well as any other records or procedures relating to the voting process." § 101.58, Fla. Stat. A deputy "may supervise preparation of the voting equipment and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty." *Id.*

Chief Hastings will be in Broward County on August 8, 2018, to attend the logic and accuracy test for the Primary Elections and on August 16-17 to attend beginning canvassing board related activities. Ms. Cook will join Chief Hastings starting August 18 and will be splitting observation duties as appropriate through election night on August 28, 2018. After the Primary Elections, we will revisit the timeline for observation for the General Elections. As provided by law, they will file one final report of their findings and observations with the Department of State and with the clerk of the circuit court for the Seventeenth Judicial Circuit.

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6218 (Fax) DOS.MyFlorida.com/elections



Dr. Brenda Snipes
Supervisor of Elections for Broward County
July 20, 2018
Page 2

If you have questions or concerns before that time, please feel free to call Maria Matthews, Director, Division of Elections, directly at (850) 245-6520.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Detzner", written in a cursive style.

Ken Detzner
Secretary of State

Pc: Maria Matthews, Esq., Director, Division of Elections
Linda Hastings, Chief, Bureau of Voting Systems Certification

Swain, Margaret A.

From: Wood, Zane D.
Sent: Wednesday, November 7, 2018 5:40 PM
To: Cook, Catherine E.
Subject: FW: Follow-up - Broward County/Machine Recount Order/Circuit Judge 17, Group 42
Attachments: Machine Recount Order - Circuit Judge 17-42.pdf; DE Guide 0020- Canvassing Board Membership and Activities.pdf; DE Guide 0010- Recount Procedure Summary - revised -07-2016.pdf

This is the email to Dr. Snipes from Maria.

From: Matthews, Maria I.
Sent: Friday, August 31, 2018 1:46 PM
To: Snipes, Brenda C. <bsnipes@browardsoe.org>
Cc: Wood, Zane D. <Zane.Wood@dos.myflorida.com>; Hastings, Linda M. <Linda.Hastings@DOS.MyFlorida.com>; Patricia Santiago <psantiago@browardsoe.org>; Fred Bellis <fbellis@browardsoe.org>; Maddox, Kristy <Kristy.Maddox@DOS.MyFlorida.com>; Modrow, Janet <Janet.Modrow@DOS.MyFlorida.com>
Subject: Follow-up - Broward County/Machine Recount Order/Circuit Judge 17, Group 42

Dr. Snipes:

I wanted to let you know that we will be sending down Zane Wood from Bureau of Voting Systems Certification to observe the recount. He will be arriving this evening and will come to your office in the morning. He'll probably end up staying through Tuesday at minimum.

Also, if it helps, here is a list of relevant statutes and rules pertaining to the recount process:

- Section 102.141, Fla. Stat. (machine recount) (subsection (7) - (8))
- Section 102.166, Fla. Stat. (manual recount, only if ordered)
- DE Guide 0020 - Canvassing Board Membership and Activities (look at what is required for presence for recount) (Attachment 2)
- DE Guide 0010 - Recount Procedure Summary (Attachment 3)
- Rules
 - 1S-2.031 - Recount Procedures (PDF) Look at subsections (1)-(4) for machine recount and in the event the manual recount also is subsequently ordered look at subsections (1)-(3), and (5).
 - 1S-2.027 - Standards for Determining Voter's Choice on a Ballot (PDF) (for use only if manual recount is ordered)
 - 1S-2.051 - Standards for Determining Voter's Choice on a Federal Write-In Absentee Ballot (PDF)(for use only if manual recount ordered is ordered)

If you have any questions, please do not hesitate to contact me.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director

Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520

Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

From: Matthews, Maria I.

Sent: Friday, August 31, 2018 11:53 AM

To: Brenda Snipes <bsnipes@browardsoe.org>

Cc: 'Patricia Santiago' <psantiago@browardsoe.org>; Fred Bellis <fbellis@browardsoe.org>; Hastings, Linda M. <Linda.Hastings@DOS.MyFlorida.com>; Willis, Kristi R. (Bronson) <Kristi.Willis@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Modrow, Janet <Janet.Modrow@DOS.MyFlorida.com>

Subject: Broward County/Machine Recount Order/Circuit Judge 17, Group 42

Dear Supervisor Snipes:

Please find attached the Secretary of State's order for machine recount in the race for office of Circuit Court 17th, Group 42 on the 2018 Primary Election Ballot. Our understanding is that you have already set aside a date and time for the machine recount based on a local school board recount being ordered by the county canvassing board. <https://www.browardsoe.org/Portals/Broward/Images/082818-Public-Notice-of-Canvassing-Board-Recount.pdf>

We will contact the candidates by separate email.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520

Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

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SECRETARY OF STATE ORDER ON CONDUCT OF MACHINE RECOUNT

Section 102.141(7), Florida Statutes, provides that the Secretary of State is responsible for ordering recounts in federal, state, and multicounty races when the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure.

Based upon the above statute and the unofficial results reported to the Division of Elections for the Primary Election, Circuit Court Judge, 17th Judicial Circuit, Group 42, held on August 28, 2018, **I hereby order the canvassing board responsible for canvassing the above race to conduct a machine recount of the votes cast in the race in accordance with Section 102.141, Florida Statutes.**

Pursuant to Section 102.141(7)(c), Florida Statutes, the results of the machine recount shall be included in the second set of unofficial returns to be filed with the Division of Elections no later than 3:00 p.m. on September 2, 2018.



GIVEN under my hand and the
Great Seal of the State of Florida,
at Tallahassee, this the 31st day of
August, A.D., 2018.

A handwritten signature in black ink that reads "Ken Detzner".

Ken Detzner
Secretary of State



Canvassing Board Membership and Activities

DE Reference Guide 0020 (Updated 05-2018)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

OVERVIEW

- Canvassing board.
 - The county canvassing board is composed of three members: the supervisor of elections; a county court judge who acts as the chair, and the chair of the board of county commissioners.
 - Aside from attendance at training workshops, a board member's duties will begin as early as the pre-election testing of voting equipment scheduled within the 10 days before early voting, intensify as canvassing of vote-by-mail ballots begin which may start as early as 15 days before an election and continue through election night reporting, post-election voting system audits, and certification of election results.
- Substitute.
 - The law requires substitutes to be appointed whenever a member is unable to serve or is disqualified from serving.
 - The substitute cannot be a candidate with opposition in the election being canvassed and cannot be an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. For what constitutes active participation in the campaign or candidacy of a candidate, see Division of Elections Advisory Opinion [DE 09-07](#).
 - The process for appointing a substitute is set out in section [102.141\(1\)](#), Fla. Stat.
- Alternate.
 - Each canvassing board must have two alternates designated. The long-term service on a canvassing board can place an undue burden on a volunteer member's other professional and personal obligations. Therefore, an alternate serves as a back-up in the event a member is unable to participate in a meeting of the board.
 - The alternates are to be appointed as close in time to when the canvassing board membership is designated.
 - If not otherwise serving as one of the three members of the canvassing board, the alternate can be present, observe and communicate with the other members of the board but cannot vote in the board's decisions or determinations. The process for appointing alternates to the canvassing board is set out in section [102.141\(1\)](#), Fla. Stat.
- Duties.
 - The canvassing board is charged by law with a number of activities in the conduct of elections and ascertainment of results.
 - This reference guide focuses specifically on the membership requirement for those activities.

REQUISITE MEMBERSHIP FOR CANVASSING BOARD ACTIVITIES

- Unless otherwise specified in statute or rule, the canvassing board may act when two members of the board are present, thereby constituting a majority, as long as the two members present are in agreement as to the action to be taken. If they are not in agreement, then a majority of the board has not approved the action. See also DE Advisory Opinion [05-08](#). The chart on the following page details requisite membership attendance based on category of activity.

Activity	Number of Canvassing Board Members Required to be Present	Underlying statute(s) and/or rule for activity
Public logic & accuracy testing	<ul style="list-style-type: none"> At least one member for test All members to certify the accuracy of test 	Section 101.5612 (2), Fla. Stat.
Canvassing of vote-by-mail ballots	<ul style="list-style-type: none"> Majority to approve and order the opening of the ballots At least one member to be present at all times during opening and running of the ballots through tabulation system 	Sections 101.68 , 101.6925 , and 102.141 (2) & (8), Fla. Stat.
Determination to count or reject vote-by-mail ballots (e.g., signature mismatch)	<ul style="list-style-type: none"> Majority to determine whether to count or reject a ballot 	Sections 101.68 , 101.6925 , and 102.141 (2), Fla. Stat.
Duplication of ballot	<ul style="list-style-type: none"> Majority to be present to approve ballots to be duplicated At least one member to be present during duplication of ballots 	Sections 101.5614 (5), 101.68 , and 102.141 (8), Fla. Stat.
Canvassing of provisional ballots	<ul style="list-style-type: none"> Majority to determine whether to reject or accept 	Sections 101.048 , 101.049 , 101.6925 , and 102.141 (2), Fla. Stat.; Rule 1S-2.037 , Fla. Admin. Code
Recount	<ul style="list-style-type: none"> Majority at all times during recount process All members for determination or decision to resolve a discrepancy during a recount 	Sections 102.141 and 102.166 , Fla. Stat.; Rules 1S-2.027 , and 1S-2.031 , Fla. Admin. Code
Certification of election results	<ul style="list-style-type: none"> Majority to certify results 	Section 102.151 , Fla. Stat.
Post-election certification audit of voting system	<ul style="list-style-type: none"> Majority at all times during audit process 	Section 101.591 , Fla. Stat.; Rule 1S-5.026 (4)(e), Fla. Admin. Code



Recount Procedure Summary

DE Reference Guidelines 0010 (Updated 07/2016)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

APPLICABLE LAW

- Sections [102.141\(7\)](#) and [102.166](#), Florida Statutes (2013), and [Rules 1S-2.027](#), [1S-2.031](#), and [1S-2.051](#) Fla. Admin. Code, govern recounts.
- This summary only represents a general overview. Please consult law and rule for specifics as they govern.

ORDERING OF A RECOUNT

- **Who orders the recount?**
 - The Secretary of State orders any recount for federal, state, or multicounty races involving candidates for office, candidates for judicial retention, and measures appearing on the ballot.
 - For all other races, the board certifying the results orders the recount.
- A recount may not begin until it has been ordered to occur by the proper authority.
- A candidate or political committee has no authority to request a recount.
- A recount at a minimum consists of a machine recount; it may also include a manual recount.

RACES NOT SUBJECT TO A RECOUNT (based upon the races not having “candidates” for office)

- Presidential Preference Primary.
- Political party executive committee (*i.e.*, state, district, and precinct committeemen and committeewomen).

PUBLIC NOTICE

- **Public notice** must be provided as soon as possible given the circumstances and the limited time schedule.
- Machine and manual recounts are **open to the public**.

MACHINE RECOUNT (s. 102.141(7), F.S.)

STATUTORY DEADLINE TO REPORT 1 ST SET OF UNOFFICIAL RETURNS (s. 102.141(5), F.S.)
<ul style="list-style-type: none">• After a Primary Election: No later than noon on the 3rd day after the Primary Election.• After a General Election: No later than noon on the 4th day after the General Election.• After a Special Primary or Special Election: No later than noon on 4th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.)

- **After a Primary Election:** No later than noon on the 3rd day after the Primary Election.
 - **After a General Election:** No later than noon on the 4th day after the General Election.
 - **After a Special Primary or Special Election:** No later than noon on 4th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.)
- **A machine recount must be ordered if** the 1st set of unofficial returns indicates that a candidate was defeated or eliminated by ½ of 1% or less of the total votes cast for an office or if an issue was approved or rejected by ½ of 1% or less of the total votes cast on the issue.
 - **Exception to a machine recount:**
 - If a candidate or candidates who is defeated or eliminated from contention for the office by ½ of 1% or less requests in writing that a machine recount not be conducted.
 - The canvassing board must follow the procedures in [Rule 1S-2.031](#).
 - The machine recount constitutes a retabulation of all ballots.
 - Before the machine recount occurs, a **new election definition** must be created for the race(s) to be recounted. Parameters must be set to reject all overvotes and undervotes.
 - Before the start of the recount, a **public test of the tabulating equipment** must occur.

- **Optical scan ballots and hybrid voting system paper outputs:** The canvassing board must run each ballot with the affected race(s) through tabulator. All overvotes (optical scan ballots only) and undervotes (optical scan/hybrid voting system paper outputs) are outstacked to be used in the manual recount if one becomes necessary.
- **Touchscreen ballots:** The canvassing board must produce the printed vote totals from each of the touchscreen machines where the recounted race(s) appeared. The canvassing board tests the accuracy of the printed vote totals by comparing them against the totals from election night and shall resolve any discrepancy.
- **Results:** The results of the machine recount are included in the 2nd set of unofficial returns.

STATUTORY DEADLINE TO REPORT 2 ND SET OF UNOFFICIAL RETURNS (s. 102.141(7)(c), F.S.)
<ul style="list-style-type: none"> • After a Primary Election: No later than 3 p.m. on the 5th day after the Primary Election. • After a General Election: No later than 3 p.m. on the 9th day after the General Election. • After a Special Primary or Special Election: No later than 3 p. m. on the 9th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.)

MANUAL RECOUNT (s. 102.166, F.S.)

- A manual recount must be ordered if the 2nd set of unofficial returns indicates that a candidate was eliminated or defeated by $\frac{1}{4}$ of 1% or less of the votes cast for the office or an issue was approved or rejected by $\frac{1}{4}$ of 1% or less.
- **Exceptions to a manual recount:**
 - If the candidate or candidates defeated or eliminated from contention for the office by $\frac{1}{4}$ of 1% or less request in writing that it not be conducted; or
 - If the number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.
- The manual recount is only a **recount of overvotes and undervotes** as outstacked from the machine recount.
- The canvassing board must use the procedures in [Rule 1S-2.031](#).
- A vote for a candidate or issue must be counted if there is a clear indication on the ballot that a voter made a definite choice. See [Rule 1S-2.027](#) and [Rule 1S-2.051](#).
- **Optical scan ballots and hybrid voting system paper outputs:**
 - The canvassing board assigns **counting teams** to review the overvotes (optical scan ballots only) and undervotes (optical scan/hybrid voting system paper outputs). Authorized representatives are permitted to be present and object to any decision of the counting team, but they may not otherwise disturb or interfere with the recount.
 - Each counting team sorts the ballots into 3 stacks for the recounted race: 1) ballots determined to contain a valid vote; 2) ballots determined to contain no clear indication of choice; and 3) ballots set aside for canvassing board determination.
- **Touchscreen ballots:**
 - Touchscreen machines do not permit overvotes; thus, only undervotes are reviewed.
 - The canvassing board orders the printing of an official copy of the ballot image report from each touchscreen voting machine that has recorded an undervote for the recounted race.
 - The ballot image report is reviewed to determine if there is a clear indication on the ballot that a voter made a definite choice.
- **Results:** The results from the manual recount are contained in the certification of the official returns.

STATUTORY DEADLINE TO REPORT OFFICIAL RETURNS (s. 102.112(2), F.S.)
<ul style="list-style-type: none"> • After a Primary Election: No later than 5 p. m. on the 7th day after the Primary Election. • After a General Election: No later than Noon on the 12th day after the General Election. • After a Special Primary or Special Election: No later than Noon on 12th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.) • If the results are not received by the time specified, such returns are ignored and the results on file at the specified time shall be certified by the Department of State.

NOTE: Although the Presidential Preference Primary (PPP) is not subject to recount procedures, the deadlines for submission of the 1st set of unofficial returns and the official returns for the PPP are the same as for the General Election.

EXAMPLES OF RECOUNT CALCULATIONS

RACE WITH 2 CANDIDATES (PRIMARY OR GENERAL ELECTION BALLOT)

- **Candidate A:** 9,755 votes – 49.77%
- **Candidate B:** 9,845 votes – 50.23%
- **Total:** 19,600 votes – 100%
- **Calculation:** $50.23\% - 49.77\% = .45\%$; therefore, Candidate A was defeated by .45% of votes cast.
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.45\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
 - If this scenario was based upon the 2nd set of unofficial returns, a manual recount is not required because $.45\% \geq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

NONPARTISAN SCHOOL BOARD RACE WITH 3 CANDIDATES WHERE ONE CANDIDATE HAS RECEIVED A MAJORITY OF THE VOTES CAST (PRIMARY BALLOT, ONLY)

- **Candidate A:** 3,260 votes – 35.58%
- **Candidate B:** 4,583 votes – 50.02%
- **Candidate C:** 1,319 votes – 14.40%
- **Total:** 9,162 votes – 100%
- Per s. [105.051\(1\)\(b\)](#), Fla. Stat., if two or more candidates, neither of whom is a write-in candidate, qualify for such office in the primary election, then the name of the candidate who receives the majority of the votes cast shall not appear on the general election ballot unless there is a write-in candidate. If no candidate receives a majority of the votes cast, the names of the two candidates receiving the highest number of votes for the office will be placed on the general election ballot.
- **Calculation:** In the above race, Candidate A was eliminated as a candidate for the general election by .02% even though he finished 14.44 percentage points behind Candidate B. To avoid the recount in this scenario, the person receiving the majority vote must have won by more than 50.5% of the votes cast.
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.02\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
 - If this scenario was based upon the 2nd set of unofficial returns, a manual recount is required because $.02\% \leq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

NONPARTISAN SCHOOL BOARD RACE WITH 3 CANDIDATES WITH NO CANDIDATE RECEIVING A MAJORITY OF THE VOTES CAST (PRIMARY ELECTION) OR ANY RACE INVOLVING “VOTE FOR NO MORE THAN 2” CANDIDATES (GENERAL ELECTION)

- **Candidate A:** 4,010 votes – 26.04%
 - **Candidate B:** 7,315 votes – 47.50%
 - **Candidate C:** 4,075 votes – 26.46%
 - **Total:** 15,400 votes – 100%
 - **Calculation:** In the above race, Candidate A was eliminated as a candidate behind Candidate C by .42% ($26.46\% - 26.04\% = .42\%$).
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.42\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
- If this scenario was based upon the 2nd set of unofficial returns, a manual recount is not required because $.42\% \geq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 5:16 PM
To: Hastings, Linda M.; Wood, Zane D.
Cc: Underwood, Wes H.
Subject: FW: Miami Herald: Broward County officials need police protection to tally Florida election results

From: Revell, Sarah W.
Sent: Friday, November 9, 2018 4:56 PM
To: Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Stowers, Austin N. <Austin.Stowers@dos.myflorida.com>; McVay, Brad R. <Brad.McVay@dos.myflorida.com>; Fitz-Patrick, Christie (Burrus) <Christie.Fitz-Patrick@dos.myflorida.com>; Ard, Mark <Mark.Ard@DOS.MyFlorida.com>
Subject: Miami Herald: Broward County officials need police protection to tally Florida election results

[Broward County officials need police protection to tally Florida election results](#)

Miami Herald

Alex Harris and Daniel Smiley

November 9, 2018

Fueled by Trump tweets and unfounded claims of voter fraud, dozens of protesters gathered outside the Broward County elections headquarters Friday in a rowdy scene that led staff to call police for protection.

A crowd of about 100 activists organized outside the Lauderhill strip mall that houses Brenda Snipes' elections operations off U.S. 441, railing about illegal votes and stolen elections. They were drawn to Snipes' office by the claims of politicians and pundits that thousands of fraudulent ballots are being dumped into the vote tallies from Tuesday's mid-term elections in order to steal races from Gov. Rick Scott and former congressman Ron DeSantis.

Margins in races for U.S. Senate and governor shrank over the past two days as Snipes and other supervisors in Democratic-leaning counties tallied the tens of thousands of votes that remain uncounted in the wake of Tuesday's elections. Alarmed by unproven claims that elections supervisors are tainting the electoral process, a hastily organized protest was pulled together on social media. Janet Klomburg, a 56-year-old from Weston, was among the crowd demanding Snipes' removal from office.

"We want her in handcuffs for her criminal history. We want her whole staff in handcuffs," Klomburg said. "This race was stolen from us."

Wearing a Make America Great Again hat and Trump 2020 polo, Klomburg straightened a pile of fake ballot boxes protesters had arranged nearby.

Before noon, the crowd swelled to more than a hundred protesters chanting "Lock her up," "Brenda Snipes has got to go" and "Stop the steal."

The crowds — which prompted Snipes to call Lauderhill police to her office's front door to temporarily keep the public at bay — were fed by claims of fraud that seemed to enter the mainstream Thursday when Scott's campaign claimed that incumbent Sen. Bill Nelson had hired attorneys to "steal" his election. Scott's lead dwindled from Tuesday to around 15,000 votes as Snipes office and Palm Beach County continued Wednesday and Thursday to count previously unread mail-in ballots and votes cast during early voting.

The margins are so tight now that they'll likely trigger an automatic recount by hand under state law. The margins in the governor's race between DeSantis and Democrat Andrew Gillum also shrank over the last two days to the point that DeSantis went from winning outright to likely needing a machine recount to affirm his victory. Matt Caldwell, the Republican nominee for commissioner of agriculture, went from barely winning to barely losing.

As the margins slimmed, U.S. Sen. Marco Rubio began tweeting about possible corruption at Broward's beleaguered elections office, which has a history of missteps and has been the subject of constant controversy in recent years involving prematurely destroyed ballots and published vote tallies. Late Thursday, Scott announced that he's sued Snipes and Broward's supervisor of elections and asked the Florida Department of Law Enforcement to investigate as "unethical liberals try to steal this election from the people of Florida." (The FDLE says it did not receive an official request from Scott and is not investigating.)

On Friday, President Donald Trump tweeted that he was sending attorneys to South Florida — even though nationally prominent elections attorneys representing both parties are already in Florida monitoring the process. He also claimed to know that Snipes had planned to steal his 2016 victory in Florida from him.

"In the 2016 Election I was winning by so much in Florida that Broward County, which was very late with vote tabulation and probably getting ready to do a "number," couldn't do it because not enough people live in Broward for them to falsify a victory!" Trump tweeted Friday.

U.S. Rep. Matt Gaetz, a Panhandle congressman serving on the (perhaps prematurely constituted) DeSantis transition team, made an appearance in Lauderhill to call for the Florida Secretary of State to enact a State of Receivership over Broward County. He accused the office of making up votes to help Democrats win and repeatedly called Snipes corrupt and incompetent.

"We cannot continue to allow this to be the Banana Republic of Broward," he said.

The door to the office, where a canvassing board meeting to review the last 250 provisional ballots was scheduled to begin at 1 pm, was guarded by a line of Lauderhill police. Initially, only attorneys were allowed in and press and protesters were kept outside. Reporters have since been granted access to the county's canvassing board, which pores over unresolved ballots and send official vote tallies to the state.

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 10:59 AM
To: Cook, Catherine E.; Hastings, Linda M.; Maddox, Kristy; Wood, Zane D.
Subject: FW: Tweets: Recounts

FYI.

From: Ard, Mark
Sent: Friday, November 9, 2018 10:54 AM
To: Revell, Sarah W. <Sarah.Revell@dos.myflorida.com>; Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H. <Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Stowers, Austin N. <Austin.Stowers@dos.myflorida.com>; McVay, Brad R. <Brad.McVay@dos.myflorida.com>; Fitz-Patrick, Christie (Burrus) <Christie.Fitz-Patrick@dos.myflorida.com>
Subject: RE: Tweets: Recounts

I can't get any of the videos to play on my computer, but here's this.

WPEC CBS12 News Retweeted



Maxine Bentzel @MaxineBen... 3m
PBC canvassing board now
reviewing provisional ballots cast on
Election Day. Supervisor of Elections
Susan Bucher explains the process
[@CBS12](#)



2



George Bennett @gbennettpost 8s
. [@SenBillNelson](#) [#recount](#) attorney
challenging [#Florida](#) law requiring
signatures on mail, provisional
ballots to match those on file w
elections offices. Says reliance on
"untrained opinion of canvassing
boards or elections officials" on
signature matches disenfranchises
voters.

0

From: Ard, Mark

Sent: Friday, November 9, 2018 10:13 AM

To: Revell, Sarah W. <Sarah.Revell@dos.myflorida.com>; Detzner, Kenneth W. <Kenneth.Detzner@dos.myflorida.com>;
Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Underwood, Wes H.
<Wes.Underwood@dos.myflorida.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Stowers, Austin
N. <Austin.Stowers@dos.myflorida.com>; McVay, Brad R. <Brad.McVay@dos.myflorida.com>; Ard, Mark
<Mark.Ard@DOS.MyFlorida.com>; Fitz-Patrick, Christie (Burrus) <Christie.Fitz-Patrick@dos.myflorida.com>

Subject: FW: Tweets: Recounts



Rick Scott  @ScottforFlorida 21s

Palm Beach County has failed to update the Department of State since 10:19 am yesterday. This is in complete violation of Florida law which requires updated reports every 45 minutes until results are completely reported.

[Show this thread](#)

  1  3 



Rick Scott  @ScottforFlorida 21s

Broward and Palm Beach Counties have failed in their duty to follow Florida law which requires that vote by mail and absentee ballots are accounted within 30 minutes of polls closing

[Show this thread](#)

  1  4 

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Sunday, November 11, 2018 5:49 PM
To: Cook, Catherine E.; Hastings, Linda M.; Maddox, Kristy; Wood, Zane D.
Subject: Fwd: Memo: Attorney General Bondi Sends Letters to FDLE and Florida Department of State

FYI only. No reply requested or required.

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 11, 2018 at 5:21:59 PM EST
To: "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>
Subject: FW: Memo: Attorney General Bondi Sends Letters to FDLE and Florida Department of State

FYI – I was just forwarded this by a reporter.

----- Forwarded message -----

From: Attorney General Bondi's Communications Office <agmedia@myfloridalegal.com>
Date: Sun, Nov 11, 2018 at 3:59 PM
Subject: Memo: Attorney General Bondi Sends Letters to FDLE and Florida Department of State
To:

MEMO

Date:
Nov. 11, 2018

Contact:
Whitney Ray
Phone: 850.245.0150
Email: Whitney.Ray@myfloridalegal.com

Memo: Attorney General Bondi Sends Letters to FDLE and Florida Department of State

Date: Nov. 11, 2018

To: Interested Media

From: Attorney General Pam Bondi

Re: 2018 Florida Election

Attorney General Pam Bondi today sent the following letters to Florida Department of Law Enforcement Commissioner Rick Swearingen and Secretary of State Ken Detzner regarding the 2018 Florida Election.

To view the letter to Secretary Detzner, click [here](#).

To view the letter to Commissioner Swearingen, click [here](#).

#

--

David Smiley
Miami Herald
Cell: 786-683-2195

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Saturday, November 10, 2018 2:42 AM
To: Wood, Zane D.; Cook, Catherine E.
Cc: Hastings, Linda M.
Subject: Fwd: Miami Herald: Whoops! Brenda Snipes' office mixed bad provisional ballots with good ones

FYI.

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 9, 2018 at 11:23:18 PM EST
To: "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>, "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "Fitz-Patrick, Christie (Burrus)" <Christie.Fitz-Patrick@dos.myflorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Stowers, Austin N." <Austin.Stowers@dos.myflorida.com>
Subject: Miami Herald: Whoops! Brenda Snipes' office mixed bad provisional ballots with good ones

voting

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Swain, Margaret A.

From: Hastings, Linda M.
Sent: Friday, November 9, 2018 7:16 PM
To: McPherson, Angie; Cook, Catherine E.; Lipman, Eleanor G.; Mathes, Greg K.; Halter, Jim; Maddox, Kristy; Rivera, Maribel; Wood, Zane D.
Subject: Fwd: Untimely results

FYI

Begin forwarded message:

From: "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>
Date: November 9, 2018 at 6:48:33 PM EST
To: "Wood, Zane D." <Zane.Wood@dos.myflorida.com>
Cc: "Hastings, Linda M." <Linda.Hastings@DOS.MyFlorida.com>, "Modrow, Janet" <Janet.Modrow@DOS.MyFlorida.com>
Subject: Untimely results

Zane:

You asked a good question.

- If the deadline for the 1st unofficial returns is missed, the law is silent as to what to do. The understanding appears to be that it would be whatever was last uploaded by the noon deadline would then become the 1st unofficial returns. See section [102.141](#)(5), Fla. Stat.
The 1st unofficial must include the canvass of all ballots as required by subsection (2) of section [102.141](#), Fla. Stat.
- If the deadline is missed for the 2nd unofficial returns (if a machine recount was ordered), the initial unofficial returns become the 2nd unofficial returns. The canvassing board has to provide a written explanation of why it couldn't meet the deadline and it still has to complete the machine recount and if ordered subsequently, any manual recount before election returns are certified by the board. See section [102.141](#)(7)(c), Fla. Stat. The results of the manual recount get folded into the official returns.
- If the deadline is missed for the official returns, those returns are to be ignored and the results on file at the time of the deadline become the certified version. See section [102.112](#)(3), Fla. Stat.

Please stay safe as there is quite a rowdy crowd I heard at the Broward County SOE office.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street

Tallahassee, Florida 32399

850.245.6520

Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

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Swain, Margaret A.

From: Hastings, Linda M.
Sent: Friday, November 9, 2018 9:01 PM
To: Matthews, Maria I.
Cc: Wood, Zane D.; Cook, Catherine E.
Subject: Re: Broward County tweet

I don't. Have contacted Zane to ask him to check his email.

On Nov 9, 2018, at 8:56 PM, Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com> wrote:

Do you know the back story behind this story?

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 9, 2018 at 8:34:05 PM EST
To: "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>, "Stowers, Austin N." <Austin.Stowers@dos.myflorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Fitz-Patrick, Christie (Burrus)" <Christie.Fitz-Patrick@dos.myflorida.com>
Subject: tweet

<Image-1.jpg>

Sent from my iPhone

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 9:07 PM
To: Hastings, Linda M.
Cc: Wood, Zane D.; Cook, Catherine E.
Subject: Re: Broward County tweet

He confirmed repackaged story from 2016.

Sent from my iPhone

On Nov 9, 2018, at 9:01 PM, Hastings, Linda M. <Linda.Hastings@DOS.MyFlorida.com> wrote:

I don't. Have contacted Zane to ask him to check his email.

On Nov 9, 2018, at 8:56 PM, Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com> wrote:

Do you know the back story behind this story?

Sent from my iPhone

Begin forwarded message:

From: "Revell, Sarah W." <Sarah.Revell@dos.myflorida.com>
Date: November 9, 2018 at 8:34:05 PM EST
To: "Detzner, Kenneth W." <Kenneth.Detzner@dos.myflorida.com>, "Kennedy, Jennifer L." <Jennifer.Kennedy@DOS.MyFlorida.com>, "Underwood, Wes H." <Wes.Underwood@dos.myflorida.com>, "Matthews, Maria I." <Maria.Matthews@DOS.MyFlorida.com>, "Stowers, Austin N." <Austin.Stowers@dos.myflorida.com>, "McVay, Brad R." <Brad.McVay@dos.myflorida.com>, "Fitz-Patrick, Christie (Burrus)" <Christie.Fitz-Patrick@dos.myflorida.com>
Subject: tweet

<Image-1.jpg>

Sent from my iPhone

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Wednesday, November 7, 2018 5:09 PM
To: Revell, Sarah W.; Marconnet, Amber
Cc: Wood, Zane D.; Cook, Catherine E.
Subject: Re: Media Q re: Broward County

Sarah, we could ask and generally do and they estimated 8k this am but I'd be hesitant to share too definitively because there no obligation to tell us how many other than to report what has been tabulated. The issue is I am sure they probably don't know for sure & are reluctant to provide a figure as they may substantively differ in the long run and for the very reason people want know & that is they try to guess impact in results. Cathy and Zane are down in county & could if you want to try for a number.

Sent from my iPhone

On Nov 7, 2018, at 4:52 PM, Revell, Sarah W. <Sarah.Revell@dos.myflorida.com> wrote:

Maria and Amber,

I'm receiving questions from outlets in South Florida on how many ballot are left to be counted in Broward. Reporters have been reaching out to SOE Snipes and she has been telling them she does not know how many are left. Reporters are now reaching out to us to see if we have any idea.

Below is a proposed response – my understanding is that Broward has not been able to give us a solid number. Can you review the below and let me know if this response is appropriate or if we need to revise? Thank you!

We have been communicating with the Broward County Supervisor of Elections' office and they have not been able to provide the Department with a definitive number of vote-by-mail or early voting ballots that still need to be counted.

-Sarah

Sarah Revell
Director of Communications
Florida Department of State
500 South Bronough Street
Tallahassee, FL 32399-0250
Direct: 850-245-6522
Cell: 850-528-8992
Email: Sarah.Revell@dos.myflorida.com

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Swain, Margaret A.

From: Matthews, Maria I.
Sent: Friday, November 9, 2018 6:49 PM
To: Wood, Zane D.
Cc: Hastings, Linda M.; Modrow, Janet
Subject: Untimely results

Zane:

You asked a good question.

- If the deadline for the 1st unofficial returns is missed, the law is silent as to what to do. The understanding appears to be that it would be whatever was last uploaded by the noon deadline would then become the 1st unofficial returns. See section [102.141\(5\)](#), Fla. Stat. The 1st unofficial must include the canvass of **all** ballots as required by subsection (2) of section [102.141](#), Fla. Stat.
- If the deadline is missed for the 2nd unofficial returns (if a machine recount was ordered), the initial unofficial returns become the 2nd unofficial returns. The canvassing board has to provide a written explanation of why it couldn't meet the deadline and it still has to complete the machine recount and if ordered subsequently, any manual recount before election returns are certified by the board. See section [102.141\(7\)\(c\)](#), Fla. Stat. The results of the manual recount get folded into the official returns.
- If the deadline is missed for the official returns, those returns are to be ignored and the results on file at the time of the deadline become the certified version. See section [102.112\(3\)](#), Fla. Stat.

Please stay safe as there is quite a rowdy crowd I heard at the Broward County SOE office.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520

Maria.matthews@dos.myflorida.com

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Dr. Brenda C. Snipes

From: Joseph D'Alessandro
Sent: Wednesday, November 7, 2018 12:49 AM
To: Merrick, Jason
Cc: Dr. Brenda C. Snipes; Jorge Nunez
Subject: Broward County continued tabulation

Jason,

At this time the Broward County Supervisor of Elections office is still in the process of Early Voting duplication as well as running the remainder of our VBM. The office received a substantial amount of VBM and we will continue to process said VBM ballots this evening for as long as humanly possible.

Joseph M D'Alessandro, MFCEP
Director of Election Planning and Development
Broward County Supervisor of Elections Office
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301
954-712-1911
www.browardsoe.org

2018 Election Dates
November 6th - General Election

Join us on:



Florida Statute 668.6076: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone at 954-357-7050 or in writing to 115 S. Andrews Ave, Room 102, Ft. Lauderdale, FL 33301.